

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RENE GEOVANY ALFARO,

Case No. 2:21-cv-01831-RFB-DJA

Petitioner,

v.

ORDER

WARDEN CALVIN JOHNSON, et al.,

Respondents.

This habeas matter is before the Court on Petitioner Rene Geovany's Motion to Stay and Amend Petition and/or Continue (ECF No. 5).

Alfaro submitted a *pro se* Petition for Writ of Habeas Corpus (ECF No. 1-1) and Application to Proceed *In Forma Pauperis* (ECF No. 1). However, Alfaro submitted an IFP application used by the Nevada state courts and did not file his petition on the Court's required § 2254 petition form. The Court instructed Alfaro to file an IFP application along with (i) a financial certificate executed and signed by the petitioner and an authorized prison official, (ii) a financial acknowledgement executed and signed by the petitioner, and (iii) a statement of his inmate trust account for the six-month period prior to filing. Or in the alternative, Alfaro had the option to pay the \$5 filing fee. The Court further instructed Alfaro to file an amended petition on the Court's form. *See* ECF No. 4.

Alfaro asserts that the Nevada Department of Corrections "has not returned petition or any form for financial certificate to proceed *in forma pauperis*." ECF No. 5. The Court will grant Alfaro an additional 30 days from the date of this order to file a complete IFP application, or alternatively pay the \$5 filing fee, and file an amended petition on the Court's form. Petitioner must clearly title the amended petition as such by writing the word "AMENDED" immediately above "Petition for a Writ of Habeas Corpus" on page 1 in the caption, and he must place the case number, 2:21-cv-01831-RFB-DJA, in the designated space. Under Local Rule 15-1, the amended petition must be complete in itself without reference to previously filed papers. Thus, the claims

1 and allegations that are stated in the amended petition will be the only matters remaining before
2 the Court. Any claims or allegations that are left out of the amended petition or that are not re-
3 alleged will not be considered.

4 **IT IS THEREFORE ORDERED:**

- 5 1. Petitioner Rene Geovany Alfaro's Motion to Stay and Amend Petition and/or Continue
6 (ECF No. 5) is granted.
- 7 2. Within 30 days of the date of this order, Petitioner must file an IFP application along
8 with (i) a financial certificate executed and signed by the petitioner and an authorized
9 prison official, (ii) a financial acknowledgement executed and signed by the petitioner,
10 and (iii) a statement of his inmate trust account for the six-month period prior to filing.
- 11 3. Alternatively, Petitioner will pay the \$5 filing fee within 30 days.
- 12 4. Petitioner must file an amended petition on the Court's form within 30 days. Petitioner
13 must clearly title the amended petition as such by writing the word "AMENDED"
14 immediately above "Petition for a Writ of Habeas Corpus" on page 1 in the caption,
15 and he must place the case number, 2:21-cv-01831-RFB-DJA, in the designated space.
- 16 5. Petitioner's failure to comply with this Order by (a) filing an amended petition, and
17 either (b) submitting a complete IFP application, or (c) paying the filing fee within 30
18 days will result in the dismissal of this action without prejudice and without further
19 advance notice.

20 DATED this 18th day of February 2022.

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23 RICHARD F. BOULWARE, II
24 UNITED STATES DISTRICT JUDGE
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